Supreme Court, U. S.
FILED
AUG 5 1976
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-165

RESTAURANT INDUSTRIES CORPORATION
and
MARYLAND CASUALTY COMPANY, *Appellants,*

v.

BARBARA BYLICKI
and
FLORIDA INDUSTRIAL RELATIONS COMMISSION,
Appellees.

MOTION FOR STAY, OR IN THE ALTERNATIVE, FOR SUPERSEDEAS

CHARLES DESMOND CROWLEY
and
FRANK E. MALONEY, JR.
of
FLEMING, O'BRYAN & FLEMING
American National Bank Bldg.
Fort Lauderdale, Florida
33304 764-3000

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

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COME NOW the Appellants RESTAURANT INDUSTRIES CORPORATION and MARYLAND CASUALTY COMPANY, pursuant to Rule 18, Supreme Court Rules, and request this Court to enter an Order staying the proceedings of the Florida courts pending the outcome of this appeal and will show in support:

1. The proceedings in this matter before the Florida courts terminated on May 28, 1976, with the Florida Supreme Court's denial of the Petition for Rehearing.

2. A stay was granted until June 28, 1976, by the Florida Supreme Court which time has now expired, even though the time for the filing of this appeal has not yet expired.

3. A request for additional stay was made to the Florida Supreme Court on June 18, 1976, and at the same time request for stay was made to Mr. Justice Powell of this Court so that this appeal could be filed. Both stays were denied. Therefore, the appellants have complied with Rule 18 (2), Supreme Court Rules.

4. This appeal has now been filed invoking this Court's jurisdiction, yet the effect of the Florida Industrial Claims Judge's Order has not been stayed.

5. Florida law does not provide for supersedeas on appeals in Workmen's Compensation cases while on appeal in the Florida courts where an insurance carrier is involved. Instead, an automatic stay is provided. Florida law has no provisions for supersedeas on appeal to the United States Supreme Court in Workmen's Compensation matters.

6. Your appellants would be willing to post a reasonable supersedeas so that the matter may be stayed pending the outcome of the appeal in the instant case.

Respectfully submitted,

CHARLES DESMOND CROWLEY
and
FRANK E. MALONEY, JR.
of
FLEMING, O'BRYAN & FLEMING
American National Bank Bldg.
Fort Lauderdale, Florida
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I HEREBY CERTIFY that copy hereof was forwarded by mail this 5th day of August, 1976, to

T. W. MONTGOMERY, Attorney for Appellee
BYLICKI,
200 S.E. 6 Street
Fort Lauderdale, Florida, 33301

and to

FLORIDA INDUSTRIAL RELATIONS COMMISSION
1321 Executive Center Drive, East
Tallahassee, Florida, 32301.

Frank E. Maloney, Jr.